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Judy Jarecki-Black, Ph.D., J.D.
Registration No. 44,170

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Croya et al)	Docket No: PAY 001
)	
)	
Serial No: 09/993,233)	Art Unit: 2859
)	
)	
Filing Date: November 16, 2001)	Examiner: Gonzalez, M.
)	
)	
Title: "Double Tip-Double Sided Tape Measure")	
)	

DECLARATION OF JESS E. CROYA AND RANDALL G. PAYNE
UNDER 37 C.F.R. §1.131

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, Jess E. Croya and Randall G. Payne, hereby declare and state as follows:

1. We are citizens of the United States and are the named inventors in the above-captioned Application.

2. We conceived and reduced to practice the subject matter of U.S. Application Serial No. 09/993,233 ("the '233 Application) prior to the effective filing date of U.S. Patent No. 6,651,354 ("the '354 Patent), which was filed by Odachowski on 01 Feb 2000 as U.S. Patent Application Serial No. 09/494,935 ("the '935 Application"). The '233 Application claims the benefit of priority from U.S. Patent Serial No. D443,215 S ("the '215 patent"), filed on 06 May 1999 as U.S. Patent Application 29/104,492 ("the '492 Application").
3. The conception and reduction to practice of the subject matter of the '233 Application is evidenced by the filing of the '492 Application on 06 May 1999. That the invention was successfully reduced to practice is evidenced by the grant of the '492 Application, on 05 June 2001, as the '215 Patent.
4. Thus, the subject matter of the '215 Patent and the '233 Application was conceived by us in the United States prior to at least 01 Feb 2000. Accordingly, we are advised and therefore believe that the present Application is entitled to antedate U.S. Patent Serial No. 6,651,354 within the purview of 37 C.F.R. §1.131. We respectfully request that U.S. Patent Serial No. 6,651,354 be considered as antedated and as not available as prior art against the instant Application.

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

9-30-04
Date

Jess E. Croya
Jess E. Croya

9/30/04
Date

Randall G. Payne
Randall G. Payne